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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,163	06/26/2001	Asko Komsı	NC30575	5195

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HARRINGTON & SMITH, LLP  
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SHELTON, CT 06484-6212

EXAMINER

IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/894,163

Applicant(s)

KOMSI ET AL.

Examiner

Khawar Iqbal

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1=16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being unpatentable by Watanabe (6539240).

3. Regarding claim 1 Watanabe teaches a system for commanding an entity, comprising (col. 3, lines 1-31):

an entity player for invoking an entity (col.6, lines 19-53), wherein the entity comprises a plurality of methods and further comprises at least a body and a brain for specifying at least an appearance and a behavior, respectively, of the entity when the entity is displayed to a user (col. 7, line 65-col. 8, line 36, col.8, lines 50-61);

an entity editor coupled to the entity player (col. 7, lines 65-col. 8, lines 36, col. 50-61); and

at least one control device coupled to the entity player, wherein the entity player invokes the entity methods in accordance with the control device (col. 9, lines 1-55, see above).

Regarding claim 2 Watanabe teaches a method for commanding an entity, comprising (col. 3, lines 1-31):

selecting an entity wherein the entity includes comprises a plurality of commands that are associated with the entity and further comprises at least a body (col.6, lines 19-53)and a brain for specifying at least an appearance and a behavior respectively of the entity when the entity is displayed to a user (col. 7, line 65-col. 8, line 36, col. 8, lines 50-61); and selecting at least one entity command (col. 9, lines 1-55).

Regarding claim 3 Watanabe teaches where selecting the entity commands is performed through the use of an entity editor (col. 9, lines 1-55).

Regarding claim 4 Watanabe teaches a method for commanding an entity, comprising (col. 3, lines 1-31):

downloading an entity, wherein the entity is associated with a plurality of commands and comprises at least a body and a brain for specifying at least an appearance and a behavior, respectively, of the entity when the entity is displayed to a user (col. 7, line 65-col. 8, line 36, col. 8, lines 50-61);

opening the entity in an entity editor to determine the plurality of commands associated with the entity (col. 7, line 65-col. 8, line 36, col. 8, lines 50-61); selecting at least one command; and constructing a message from the selected command (col. 9, lines 1-55).

Regarding claim 5 Watanabe teaches a method for interpreting an entity, comprising (col. 3, lines 1-31):

retrieving, by an entity-enabled device (col.15, lines 16-36), an entity that comprises a plurality of commands and further comprises at least a body and a brain for specifying at least an appearance and a behavior, respectively, of the entity when the entity is displayed to a user, wherein the entity-enabled device includes an entity player for interpreting commands (col. 7, line 65-col. 8, line 36, col. 8, lines 50-61);

determining, by the entity player, whether the commands are compatible with the entity-enabled device (col.3, lines 18-45, col. 12, lines 6-40); and

interpreting, by the entity player, commands determined to be compatible with on the entity-enabled device (col. 3, lines 18-45, col. 12, lines 6-40).

Regarding claim 6 Watanabe teaches a multi-component logical entity storable in a memory medium comprising (col. 3, lines 1-31):

a media pool component, a body component, a brain component, an entity methods component that comprises at least one entity method (col.9, lines 15-24 and 41-67); and

a bookmark component, where said entity is responsive to a player to be invoked by the player, where said player is coupled to an entity editor and to at least one control device and executes the at least one entity method in cooperation with the at least one control device (col. 7, line 65-col. 8, line 36, col. 8, lines 50-61, col. 11, lines 15-43).

Regarding claim 7 Watanabe teaches where said player comprises an entity language interpreter that is responsive to a received entity method comprising a command sequence to parse and interpret commands of the command sequence (col. 8, lines 1-35, col. 9, lines 1-55).

Regarding claim 8 Watanabe teaches where said player, when interpreting a command, refers to entity instincts to determine what actions are required to execute the command, and makes calls to resources in order to run the required actions (col. 9, lines 1-55, col. 11, lines 15-65).

Regarding claim 9 Watanabe teaches where said player is embodied within a wireless communications terminal (fig. 1).

Regarding claim 10 Watanabe teaches where said player is embodied within a component of a wireless network and invokes the entity and executes the at least one entity method on behalf of a wireless communications terminal (col. 9, lines 1-55, col. 11, lines 15-65, col. 14, line 62-col. 15, line 50).

Regarding claim 11 Watanabe teaches where a user of the wireless communications terminal views a result of the execution of the entity using an entity enabled device (col. 9, lines 1-55, col. 11, lines 15-65, col. 14, line 62-col. 15, line 50).

Regarding claim 12 Watanabe teaches where a user of the wireless communications terminal views a result of the execution of the entity with a computer that is coupled to the player through at least one of a wireless and a wireline connection (col. 9, lines 1-55, fig. 1).

Regarding claim 13 Watanabe teaches where said entity is received over a wireless communications channel as part of a message (col. 9, lines 1-55, col. 11, lines 15-65, col. 14, line 62-col. 15, line 50).

Regarding claim 14 Watanabe teaches where said entity is transmitted to a wireless communications channel as part of a message (col. 9, lines 1-55, col. 11, lines 15-65, col. 14, line 62-col. 15, line 50).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231


**or faxed to:**

**(703) 872-9314 (for Technology Center 2684 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

**Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.**

Khawar Iqbal

  
7/16/04  
LESTER G. KINCAID  
PRIMARY EXAMINER